

## DEATH PENALTY

Mr. KYL. Mr. President, I ask unanimous consent that an article entitled "Remembering Victims Key to Death Penalty, Executing Justice: Arizona's Moral Dilemma," by Steve Twist, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMEMBERING VICTIMS KEY TO DEATH PENALTY—EXECUTING JUSTICE: ARIZONA'S MORAL DILEMMA

(By Steve Twist, May 20, 2007)

Opponents of the death penalty rarely want to talk about the crimes of those sentenced to death. One commentator has observed that this is "a bit like playing Hamlet without the ghost, reviewing the merits of capital punishment without revealing just what a capital crime is really like and how the victims have been brutalized."

In the week ahead, the public will be riveted with news of Robert Comer: his life, his struggles and his legal battles borne by others to the very end. But what of his victims?

Let us hope, in the end, the law will speak for them. And let us hope that those who excuse or minimize his crimes will listen, if only for even a brief moment or so, to what Judge Alex Kozinsky has rightly called "the tortured voices of the victims crying out for justice." It is in those voices that we understand the morality of the death penalty, even when they are raised in opposition, as they sometimes, albeit rarely, are.

There are 112 murderers on Arizona's death row. Robert Comer is one of them, having been sentenced to death almost 20 years ago, April 11, 1988.

The Department of Corrections reports, "(O)n Feb. 23, 1987, Comer and his girlfriend . . . were at a campground near Apache Lake. They invited Larry Pritchard, who was at the campsite next to theirs, to have dinner and drinks with them. Around 9 p.m., Comer shot Pritchard in the head, killing him. He . . . then stole Pritchard's belongings. Around 11 p.m., Comer and (Juneva) Willis went to a campsite occupied by Richard Brough and Tracy Andrews. Comer stole their property, hogtied Brough to a car fender and then raped Andrews in front of Brough. Comer and Willis then left the area, taking Andrews with them but leaving Brough behind. Andrews escaped the next morning and ran for 23 hours before finding help."

Donald Beaty is another. "On the evening of May 9, 1984, Christy Ann Fornoff, a 13-year-old news carrier, was collecting from her customers at the Rockpoint Apartments in Tempe. Beaty, who was the apartment custodian, abducted Christy and sexually assaulted and suffocated her in his apartment. Beaty kept the body in his apartment until the morning of May 11, 1984, when he placed it behind the apartment complex's trash dumpster."

Richard Bible is another. "On June 6, 1988, around 10:30 a.m., 9-year-old Jennifer Wilson was riding her bike on a Forest Service road in Flagstaff. Bible drove by in a truck, forced her off her bike and abducted her. He took Jennifer to a hill near his home where he sexually assaulted her. He then killed her hitting her in the face and head with a blunt instrument. Bible concealed the body and left the area. He was arrested later that day. Jennifer's body was not found until June 25, 1988."

Shawn Grell is yet another. "On Dec. 2, 1999, Grell took his 2-year-old daughter, Kristen, to a remote area in Apache Junction, doused her with gasoline and set her on

fire. After Kristen was engulfed in flames, she managed to walk around and stomp her feet for up to 60 seconds before collapsing in the dirt. Kristen (died suffering) third- and fourth-degree burns over 98 percent of her body."

And there are so many more. Repeating them is hard. Thinking about the victims and their loved ones, left to grieve, is heart-breaking. But think about them we must if we are to truly understand the context of the death penalty debate.

Those who agitate to abolish the death penalty for these killers say the killers don't deserve to die because no crime justifies death.

These arguments continue to find disfavor with large portions of the public. Gallup consistently reports support for the death penalty by wide margins (67 percent in favor, 28 percent opposed: 2006) when the question is asked in a straightforward manner. When the question is asked whether death or life imprisonment is the "better" penalty, 48 percent choose life and 47 percent death. Yet, when the facts of a case are cited, support for the death penalty grows dramatically. Even among those who said they opposed the death penalty, more than half of those supported the execution of Oklahoma City bomber Timothy McVeigh.

Another issue the abolitionists like to avoid is deterrence, which is of two kinds, specific and general. Specific deterrence is the measure of the penalty's effectiveness in deterring the sentenced murderer from ever killing again.

General deterrence is the effect of the penalty on deterring others from committing murder. Most recently, Professor Paul Rubin of Emory University and his colleagues have reported the results of the most extensive econometric study of death penalty deterrence and concluded that every execution saves on average 18 lives because of the murders that are deterred. Rubin's results have been replicated by others.

This is such an "inconvenient truth" for the abolitionists that they prefer to ignore it. Professing to revere life so dearly as to oppose even the taking of depraved life, they nonetheless seem to care little that their advocacy would result, if successful, in the slaughter of more innocents.

This week, when the news is filled with Robert Comer, let us pause to remember Larry Pritchard, Richard Brough and Tracy Andrews. And let us remember also Christy Anne Fornoff, Jennifer Wilson and, dear God, let us remember little Kristen Grell and all the other victims.

In those memories, let us offer prayers for their families and a steady, steel-eyed resolve that we will value their innocent lives so dearly that we are willing to exact the ultimate punishment for their murders, in order that we might preserve justice and protect others from becoming victims. In the wake of these decades-long delays to justice, let us finally resolve to demand of our courts that they become more respectful of the victims' constitutional rights to a "prompt and final conclusion of the case."

## HONORING OUR ARMED FORCES

LANCE CORPORAL CHRISTOPHER S. ADLESERGER

Mr. DOMENICI. Mr. President, each year, our Nation observes a holiday to honor the brave men and women who have given their lives in service to this country. New Mexicans have a strong tradition of serving in the Armed Forces, and sadly a great many have given their lives in defense of our Na-

tion. Americans from every state and all generations have served bravely and on Memorial Day we remember their sacrifice.

It is with particular poignancy that this Memorial Day, we reflect on the sacrifice so many New Mexicans have made while serving in Operation Iraqi Freedom and Operation Enduring Freedom. I hope New Mexicans will think of these individuals and their families and on this Memorial Day I would like to share one of their stories, that of Marine Corps LCpl Christopher S. Adlesperger of Albuquerque.

In late 2004, Lance Corporal Adlesperger, and his unit were deployed in Fallujah and involved in some of the fiercest fighting of the war. On one particular mission, Adlesperger and his squad were ordered to storm an insurgent-occupied building. While moving forward Adlesperger's squad began to receive heavy insurgent fire and several members of his squad were wounded and the rest were pinned down. Adlesperger took action and secured a path for the injured marines to be evacuated. Despite the fact that he was also wounded, Adlesperger continued the assault on the building. Adlesperger is credited with eliminating several insurgents and playing a pivotal role in the successful assault.

Tragically, 1 month later, 20-year-old Christopher Adlesperger, was fatally shot while on patrol in the Anbar province west of Baghdad.

This brave young soldier was one of the first New Mexicans to give his life in the Iraq war and on April 13, 2007, Adlesperger was posthumously awarded the Navy Cross for valor.

Today, as we honor all the brave men and women who have fought and given their lives to defend this Nation throughout its history, I hope New Mexicans will also pray for the safe return of those still serving in Iraq and Afghanistan.

## SAFETY OF AVANDIA

Mr. GRASSLEY. Mr. President, over the last few days there have been countless articles about the popular diabetes drug Avandia. For me, some of the most important questions that need to be answered here are what did FDA know, when did it know it, and what did it do with the information.

Since The New England Journal of Medicine first reported on a new study by Cleveland Clinic Cardiologist Dr. Steven Nissen, my investigative staff has continued to gather information about both FDA and the drugmaker.

We are hearing a lot about what's called the "RECORD" study, which was requested by the Europeans. There was talk at the FDA, before this week's stories started appearing, that the agency wanted to wait for that study to be completed before it made a decision about whether or not to say anything about Avandia and the possible increased risk in heart attacks. Believe it or not, FDA officials have confirmed for my investigators this week that the